

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32458 of 2019

Arising Out of PS. Case No.-1 Year-2019 Thana- GOBARHIA District- West Champaran

1. HARI BOT @ HARI BHOT Son of Garam Bot Resident of Village-Kamarchinawa, P.S.- Gobarhia, District- West Champaran
2. Rudal Bot @ Rudal Bhot Son of Jira Bot Resident of Village-Kamarchinawa, P.S.- Gobarhia, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 28-08-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners seek bail in a case registered for the offence punishable under Sections 147, 148, 149, 327, 353, 307 and 302 of the Indian Penal Code.

The prosecution case as lodged by the informant is that on 27.01.2019 at 4 AM, the informant with seven Home Guard were on duty in forest and about 5.30AM when they reached N-28 compartment, the leg of Home Guard Arjun Yadav was to hinge in net then all raiding party try to pull the net. In the meantime one man Harendar Uraon reached there and started demanding his net then Arjun Yadav asked him to come



at office, on which Harendra Uraon called Hari Bhot and Rudal Bhot (petitioners) then Rudal Bot and Hari Bot came having Axe and started snatching the net and making alarm, on which 4-5 unknown persons came with lathi, danda and assaulted Arjun Yadav and Hiralal Kushwaha then rest raiding party member fled away and after some they came there and saw that Arjun Yadav and Hiralal Kushwaha was fully injured and both were died. On the basis of fardbeyan, the instant case has been registered.

Learned counsel for the petitioners submits that the petitioners are innocent, committed no offence and have been falsely implicated in this case on suspicion. He submits that there is no direct allegation against these petitioners. The petitioners are in judicial custody since 28.01.2019.

In the facts and circumstances of the case, let the petitioners, above named, be released on bail **after framing of the charge** on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Bagaha, West Champaran in connection with Gobarhia Police Station Case No. 01 of 2019, subject to the conditions:

(I) Bailors should be local having sufficient



immovable property within the jurisdiction of the court concerned.

(II) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and their absence on two consecutive dates without sufficient reasons, their bail bond shall be cancelled by the court below.

(III) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Anjani Kumar Sharan, J)

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